

THE HOUSE OF REPRESENTATIVES
Thursday, February 25, 2010

House Bill No. 2922

HOUSE BILL NO. 2922 - By: TREBILCOCK of the House.

An Act relating to prisons and reformatories; amending 57 O.S. 2001, Section 37, as last amended by Section 7, Chapter 366, O.S.L. 2008 (57 O.S. Supp. 2009, Section 37), which relates to capacity of correctional facilities; clarifying inmate capacity notification process; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. AMENDATORY 57 O.S. 2001, Section 37, as last amended by
2 Section 7, Chapter 366, O.S.L. 2008 (57 O.S. Supp. 2009, Section 37), is amended to read
3 as follows:

4 Section 37. A. If all correctional facilities reach maximum capacity and the
5 Department of Corrections is required to contract for bed space to house state inmates,
6 then the Pardon and Parole Board shall consider all nonviolent offenders for parole who
7 are within six (6) months of their scheduled release from a penal facility.

8 B. No inmate may be received by a penal facility from a county jail without first
9 scheduling a transfer with the Department. The sheriff or court clerk shall transmit by
10 facsimile, electronic mail, or actual delivery a certified copy of the judgment and sentence
11 certifying that the inmate is sentenced to the Department of Corrections. The receipt of
12 the certified copy of the judgment and sentence shall be certification that the sentencing
13 court has entered a judgment and sentence and all other necessary commitment

1 documents. The Department of Corrections is authorized to determine the appropriate
2 method of delivery from each county based on electronic or other capabilities. Once the
3 judgment and sentence is received by the Department of Corrections, the Department
4 shall contact the sheriff when bed space is available to schedule the transfer and
5 reception of the inmate into the Department.

6 C. When a county jail has reached its capacity of inmates as defined in Section 192
7 of Title 74 of the Oklahoma Statutes and as prescribed by the standards of the State
8 Department of Health, then the county sheriff shall notify the Director of the Oklahoma
9 Department of Corrections, or the Director's designated representative, by facsimile,
10 electronic mail, or actual delivery, that the county jail has reached or exceeded its
11 capacity to hold inmates. The notification shall include copies of any judgment and
12 sentences not previously delivered as required by subsection B of this section. Then
13 within seventy-two (72) hours following such notification, the county sheriff shall
14 transport the designated excess inmate or inmates to a penal facility designated by the
15 Department. The sheriff shall notify the Department of the transport of the inmate prior
16 to the reception of the inmate. The Department shall schedule the reception date and
17 receive the inmate within seventy-two (72) hours of notification that the county jail is at
18 capacity, unless other arrangements can be made with the sheriff.

19 D. Once the judgment and sentence is transmitted to the Department of
20 Corrections, the Department will be responsible for the cost of housing the inmate in the
21 county jail from the date the sentence was ordered by the court until the date of transfer
22 of the inmate from the county jail. The cost of housing shall be the per diem rate

1 specified in Section 38 of this title. In the event the inmate has other criminal charges
2 pending in another Oklahoma jurisdiction the Department shall be responsible for the
3 housing costs while the inmate remains in the county jail awaiting transfer to another
4 jurisdiction. Once the inmate is transferred to another jurisdiction, the Department is
5 not responsible for the housing cost of the inmate until such time that another judgment
6 and sentence is received from another Oklahoma jurisdiction. The sheriff shall be
7 reimbursed by the Department for the cost of housing the inmate in one of two ways:

8 1. The sheriff may submit invoices for the cost of housing the inmate on a monthly
9 basis; or

10 2. The sheriff may submit one invoice for the total amount due for the inmate after
11 the Department has received the inmate.

12 SECTION 2. This act shall become effective November 1, 2010.

13 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02-24-10 - DO
14 PASS.